

REMARKS

Claims 1-15 are currently pending in the application. The Examiner has rejected Claims 14 and 15 under 35 U.S.C. §101 for being directed to non-statutory subject matter. The Examiner asserted that Claim 14 cites functional descriptive material and the medium described in the specification is used for transferring wireless data. The Examiner then rejected Claims 1-6 and 8-13 under 35 U.S.C. §102(e) as being anticipated by Watanabe et al. (U.S. Patent No. 7,072,657). The Examiner further rejected Claims 14 and 15 under 35 U.S.C. §103(a) as being unpatentable over Ueda et al. (U.S. Patent No. 6,289,102) in view of Watanabe. Claim 7 was rejected under 35 USC § 103 (a) as being unpatentable over Watanabe.

It is respectfully submitted that the Examiner is incorrect in rejecting Claims 1-15 under 35 U.S.C. §102(e) based on *Watanabe*. *Watanabe* neither discloses nor suggests each and every element of amended independent Claims 1, 4, 8, 12 and 14, and thus it does not anticipate the claims. Additionally, Claim 14 has been amended to obviate the non-statutory subject matter rejection; because Claim 15 depends from and inherits the limitations of Claim 14, it is therefore in compliance with 35 U.S.C. §101. Therefore, the withdrawal of the § 101 rejection is respectfully requested.

Reconsideration of the present application is respectfully requested.

Watanabe discloses a method of coordinating the handoff of a mobile carrier between a first access network and a second access network. The method includes attempting a hand-off from a first access network that the mobile carrier is currently operating within to a second access network, wherein the attempting includes authenticating at the hyper operator only that the user may have access to the second access network via a contract earlier established.

As recited in MPEP 706.02(IV), “for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly.” *Watanabe* does not teach access authorization differentiation and secure roaming.

With regards to independent Claim 1, the Examiner asserts that *Watanabe et al.* discloses all the elements of the claim. The Examiner cites Fig. 7, reference numerals 510 and 516 for teaching “differentiating said encryption keys according to a plurality of access authorization types.” Reference numerals 510 and 516 depict a “cloud” which typically indicates the “ether” or “public domain” or the medium of propagation of electromagnetic waves. It is impossible to understand how the Examiner makes the inference from the reference numerals to the limitation recited in Claim 1. Furthermore, the Examiner cites col. 7, lines 17-40 for the proposition that “obtaining by at least one wireless station the differentiated encryption keys in advance” reads on *Watanabe et al.* At best, the cited passage discloses that pre-authentication and pre-VPN establishment is possible via the hyper operator distributed center (H.O.DiC). Pre-authentication and pre-VPN establishment will help a fast hand-off. *Watanabe* further discloses since the H.O.DiC has user’s information, it is possible to have a pre-arrangement and not to disclose the user’s information to the target access network. Clearly, *Watanab*’s primary concern is fast hand-off whereas the present invention is directed to access authorization differentiation and secure roaming. Furthermore, all throughout *Watanabe* reference is made to pre-authentication. As it is known in the art, authentication is the process of identifying an individual requesting access to a system; it does not necessarily involve encryption and the cited passage of *Watanabe* is silent with respect to encryption. Accordingly, *Watanabe* fails to anticipate Claim 1.

Therefore, it is believed that the Examiner is incorrect in rejecting Claim 1 of the present invention, as *Watanabe et al.* clearly does not disclose obtaining differentiated encryption keys in advance. This is a clear distinction between the present invention and *Watanabe et al.*

As for independent Claim 4, the Examiner cites col. 7, lines 41-64 for teaching “obtaining an encryption key and updating the shared key set by adding the encryption key to the shared key set in accordance with the determination result of step (c).” As articulated above, authentication is the process of identifying an individual requesting access to a system; it does not necessarily involve encryption and the cited passage of *Watanabe* is silent with respect to encryption. Clearly, *Watanabe’s* primary concern is fast hand-off whereas the present invention is directed to access authorization differentiation and secure roaming. Therefore, it is respectfully submitted that the Examiner is also incorrect in rejecting Claim 4 of the present invention, as *Watanabe et al.* clearly fails to anticipate Claim 4 and at least does not disclose the above limitation of Claim 4.

As for independent Claim 8, the Examiner cites col. 7, lines 9-16 for teaching “using the selected encryption key to encrypt a transmission message and communicate with the access point not available for communication.” Again, authentication does not necessarily involve encryption and the cited passage of *Watanabe* is silent with respect to regarding encryption. Clearly, *Watanabe’s* primary concern is fast hand-off whereas the present invention is directed to access authorization differentiation and secure roaming. Accordingly, *Watanabe* fails to anticipate Claim 8.

As for independent Claim 12, the Examiner cites col. 7, lines 2-16 for teaching “an encryption key allocation unit which reads an encryption key from the encryption key storing

unit corresponding to a determination result of the access authorization determining unit and transfers a value of said encryption key to the wireless station.” Again, authentication does not necessarily involve encryption and the cited passage of *Watanabe* is silent with respect to encryption. Clearly, *Watanabe*’s primary concern is fast hand-off whereas the present invention is directed to access authorization differentiation and secure roaming. Accordingly, *Watanabe* fails to anticipate Claim 12.

As for independent Claim 14, Claim 14 has been amended to recite execution of a program implementing a structure, which is not suggested by the combination of Ueda and *Watanabe* or either reference alone. Claim 14 as amended is directed to a tangible medium storing program instructions thereon, which falls within the category of statutory subject matter.

Because the above arguments put independent Claims 1, 4, 8, 12 and 14 in condition for allowance, then, at least because of their dependence on these claims respectively, dependent Claims 2-3, 5-10, 9-11, 13 and 15 are also in condition for allowance.

The application as now presented, containing Claims 1-15 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

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